

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3381

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2018

The Assembly Education Committee reports favorably Assembly Bill No. 3381.

This bill prohibits a school district, charter school, nonpublic school, or contracted service provider holding a contract with a school district, nonpublic school, or charter school from employing a person serving in a position which involves regular contact with students unless the school district, charter school, nonpublic school, or contracted service provider conducts a review of the employment history of the applicant by contacting former and current employers and requesting information regarding child abuse and sexual misconduct allegations. The applicant will only be required to list employers from the prior twenty years that were schools or where the employment involved direct contact with children. The school district, charter school, nonpublic school, or contracted service provider must ask those employers for a statement as to whether the applicant:

- was the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency, or the Department of Children and Families;
- was disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or
- has ever had a license, professional license or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

The applicant must also provide his own written statement disclosing any of the same matters.

The applicant must provide a written authorization that consents to and authorizes disclosure of the information requested by the prospective employer and releases the applicant's former and current employers from any liability arising from the disclosure.

On or after the effective date of this bill, a school district, charter school, nonpublic school, or contracted service provider may not enter into a collectively bargained or negotiated agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

- has the effect of suppressing or destroying information relating to an investigation related to a report of suspected child abuse or sexual misconduct by a current or former employee;
- affects the ability of the school district, charter school, nonpublic school, or contracted service provider to report suspected child abuse or sexual misconduct to the appropriate authorities; or
- requires the school district, charter school, nonpublic school, or contracted service provider to expunge information about allegations or findings of suspected child abuse or sexual misconduct from any documents maintained by the school district, charter school, nonpublic school, or contracted service provider, unless after investigation the allegations are found to be false or the alleged incident of child abuse or sexual misconduct has not been substantiated.

An applicant who gives false information or willfully fails to disclose information required to be provided under the bill will be subject to discipline, including termination or denial of employment. The applicant also may be deemed in violation of subsection a. of N.J.S.2C:28-3, and may be subject to certain civil penalties. The prospective employer is required to provide notification of these possible penalties to prospective employees in the employment application.

As reported by the committee, this bill is identical to Senate Bill No. 414 (1R), which was amended and also reported by the committee on this same date.